

THREATENED, ENDANGERED & PROPOSED SPECIES

Of the thirteen federally listed threatened, endangered and proposed species listed for Fremont and Natrona Counties, suitable habitat does not occur within a ½ of the proposed action. See the project wildlife clearance form for details regarding the habitats present in the action area for these species.

There would be no direct, indirect or cumulative effects to any federally listed species. Therefore, there would be NO EFFECT to interior least tern, piping plover, whooping crane, pallid sturgeon, Canada lynx, gray wolf, grizzly bear, *Pinus albicaulis*, *Platanthera praeclara*, *Spiranthes diluvialis*, *Yermo xanthocephalus*, and *Penstemon haydenii*. Designated critical habitat for Canada lynx, whooping crane and *Yermo xanthocephalus* would not be affected. Section 7 consultation is not required for this project.

BLM SENSITIVE SPECIES

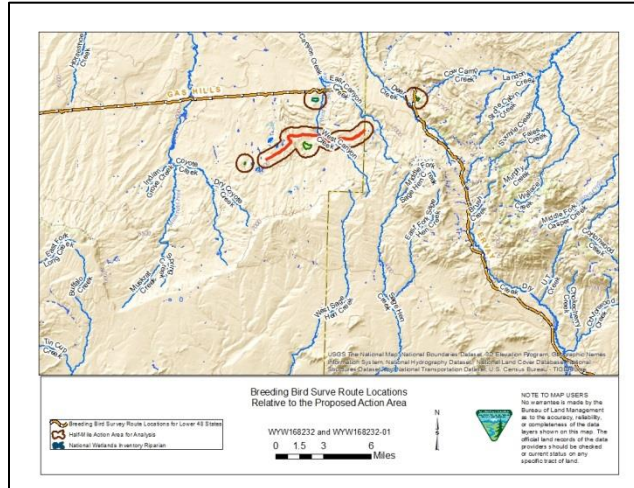
Affected Environment

The existing condition within the ½ mile action area shows a lot of disturbance from past mining activity that occurred as recently as 10 years ago. The area is heavily roaded with non-system routes used to access mine infrastructure, reclamation sites, well pads, etc. For the majority of the sensitive species discussed below, the conditions of breeding, foraging and year-round habitats are of poor quality due to these historic disturbances. See the project wildlife clearance form for details regarding the habitats present in the action area for these species.

Seventeen BLM sensitive species are believed to have suitable habitat present within ½ mile of the proposed action area: greater sage-grouse, ferruginous hawk, burrowing owl, mountain plover, sage thrasher, loggerhead shrike, sage sparrow, Brewer's sparrow, spotted bat, fringed myotis, pygmy rabbit, white-tailed prairie dog, northern leopard frog, Great Basin spadefoot, spotted frog, *Cleome multicaulis*, and *Rorippa calycina*.

Breeding Bird Survey (BBS) data from two routes, Gas Hills (2 year history, parallels route 10-999, about 2.2 miles north of the proposed action area) and Ervay (22 year history, parallels West Creek, 2.9 miles to the east) indicate several migratory bird species occur in the vicinity of the action area (Figure 1). While the conditions of breeding habitat may vary between the action area and the BBS routes, the Gas Hills route would be expected to be more similar to the occurrences expected in the action area. Species detected in the Gas Hills BBS route include 33 breeding migratory bird species. Of these, the most notable are the following BLM sensitive species: loggerhead shrike (Level II Bird of Conservation Concern), Brewer's sparrow (Level I Bird of Conservation Concern), and sage sparrow (Level I Bird of Conservation Concern). The existing quality of breeding habitat for these migratory birds is considered poor due to the extent of historic disturbance throughout the action area. Several ferruginous hawk and golden eagle nests were at one time documented within the proposed action, but their current condition and activity status is unknown.

Figure 1. Location of Breeding Bird Survey Routes in the Vicinity of the Proposed Action Area



Environmental Effects from the No Action Alternative

This alternative would not have effects on greater sage-grouse, ferruginous hawk, burrowing owl, mountain plover, sage thrasher, loggerhead shrike, sage sparrow, Brewer's sparrow, spotted bat, fringed myotis, pygmy rabbit, white-tailed prairie dog, northern leopard frog, Great Basin spadefoot, spotted frog, *Cleome multicaulis*, and *Rorippa calycina*. Suitable habitat would remain intact and would not be affected. There would be no noise, disturbance, or vehicle disturbance or collisions to affect individuals. There would be no effects to the populations within the planning area. Since there would be no direct or indirect effects, there would be no cumulative effects.

Environmental Effects from the Proposed Action

The following design features would be incorporated into the proposed action:

1. Annually survey for raptors, especially ferruginous hawk and golden eagle, at known historic nest locations and suitable habitat, to the best of the agency's ability. Surveys would need to be conducted during the breeding season appropriate for detecting those species. Surveys would be directed by the project LFO Biologist, following pre-approved protocols and locations. Positive detection of signs of breeding would require Stipulation 4071, unless otherwise recommended by project LFO Biologist based on field observations.
2. Annually survey known prairie dog colonies surveys to determine the current status of white-tailed prairie dog colonies, burrowing owl, and pygmy rabbit, to the best of the agency's ability. Surveys would need to be conducted during the season appropriate for detecting those species. Surveys would be directed by the project LFO Biologist, following pre-approved protocols and locations. Positive detection would require Stipulations 4071, 4092, 4088, unless otherwise recommended by project LFO Biologist based on field observations.
3. Alternative locations for the proposed stockpiles, equipment, supplies, and other materials would be located over 500 feet from West Creek, mapped and field identified riparian- wetlands and associated corridors and away from known or discovered important habitats for special status species (e.g. prairie dog colonies, raptor nest locations, etc). Alternative staging locations would be determined in consultation with the project LFO Biologist and Archaeologist in the field at the beginning of implementation.
4. Install an aquatic/terrestrial wildlife passage large enough to accommodate a coyote or larger mammal, low and high water passage on the segment of West Creek that intersects the proposed road alignment to

allow connectivity, safe passage of several special status and other wildlife species, and to provide opportunity for water to flow and vegetation to exist within historic natural variability.

Effects to spotted bat and fringed myotis

Hibernacula, maternity roosts and bachelor roosts for spotted bat and fringed myotis are not known to be present in the action area due to the lack of cliffs, trees, mine adits and other such features. Foraging habitat is present but would not be affected by the proposed activities. There would be no cumulative effects for these bat species. This project would not affect the populations at the planning level scale and would not cause a trend towards listing for spotted bat and fringed myotis.

Effects to ferruginous hawk, burrowing owl and white-tailed prairie dog

With these stipulations and design features, there would be no direct or indirect effects to ferruginous hawk, white-tailed prairie dog or burrowing owl. Breeding habitat for ferruginous hawk and burrowing owl would not be affected. Year-round habitat for white tailed prairie dog would not be affected. Individual animals of these species would still be able to find and obtain food, hiding cover and carry out other life functions. Since there would be no direct or indirect effects to these species, there would be no cumulative effects. With the proposed design features and stipulations, this project would not affect the populations at the planning level scale and would not cause a trend towards listing for ferruginous hawk, burrowing owl and white-tailed prairie dog. No further conservation measures would be necessary.

Effects to northern leopard frog, Great Basin spadefoot, and spotted frog

Since this area has never been surveyed for northern leopard frog, Great Basin spadefoot, and spotted frog, and suitable habitat occurs in the vicinity, it is assumed that suitable habitat is present and that habitat is occupied by these three species. This project would have mixed effects on these amphibians. With these stipulations and design features, benefits to northern leopard frog, Great Basin spadefoot and spotted frog would occur. The installation of one wildlife passage in the proposed road alignment would provide these species with safe passage, and ability to move and utilize their habitats. Minor effects on their riparian-wetland habitats from deposition and soil erosion from truck traffic, maintenance and grading, etc. could occur. Cumulative effects from this action when added to other past, present and foreseeable actions would be minor, mainly from the proposed road alignment paralleling the riparian corridor. This project would not affect the populations at the planning level scale and would not cause a trend towards listing for northern leopard frog, Great Basin spadefoot, and spotted frog. No further conservation measures would be necessary.

Effects to pygmy rabbit

Since this area has never been surveyed for pygmy rabbit, and suitable habitat occurs in the vicinity, it is assumed that suitable habitat is present and that habitat is occupied by pygmy rabbit. There could be direct and indirect effects to pygmy rabbit, albeit relatively minor in scope and scale. Some loss of breeding, foraging and hiding cover habitat could occur as the result of vegetation removal. The quantity and extent of habitat loss would be expected to be low given it would be concentrated adjacent to existing disturbance and existing compacted routes. Vehicle collisions may occur given this proposed action due to the increased amount of traffic, heavy equipment, duration of implementation and the connected reclamation actions. Given the existing condition of the action area, the risk of vehicle collisions would be low. Installation of one wildlife passage in the proposed road alignment would greatly reduce the likelihood of such collisions since pygmy rabbit utilizes riparian corridors to move, disperse, for hiding cover, burrows and forage. Since the existing disturbance in the action area is extensive, and this kind of disturbance is confined to areas such as the DDA, cumulative effects to pygmy rabbit from loss of habitat due to this action when added to past, present and future actions would be minor in scale. This project would not be expected to affect the pygmy rabbit population at the planning level scale and would not cause a trend towards listing.

Recommended Conservation Measures for Pygmy rabbit

The following recommendations are best management practices to meet the intent of the stipulations provided in the RMP since the road alignment cannot be moved without causing further impacts to multiple resources.

Surveys should be done during summer, post breeding season in suitable habitat that is within 200 feet of the sites proposed for vegetation removal, construction and soil movement, to the best of the agency's ability. Follow up observation surveys would be needed. Surveys would be directed by the project LFO Biologist, following pre-approved protocols and locations. Positive detections would require Stipulation 4088, unless otherwise recommended by project LFO Biologist based on field observations.

Avoid vegetation removal, construction and soil work in areas where loose loamy soils co-occurs with sagebrush that is over 1.5 feet in height- typically found in riparian corridors, and provide a 200 foot spatial no disturbance buffer around known and suspected if surveys are not feasible.

Impose a timing restriction between January and June during the breeding season in suitable habitat that may be affected by the proposed actions.

Effects to Cleome multicaulis and Rorippa calycina

Since this area has never been surveyed for *Cleome multicaulis* and *Rorippa calycina*, it is assumed suitable habitat occurs, and the habitat is occupied. Since the majority of the proposed work would be concentrated in previously disturbed or compacted soils, and few acres of vegetation would be removed, the likelihood of impacting suitable habitat for these species is discountable. If impacts occur, then soil compaction and loss of habitat could occur. Individual plants could be buried, crushed or uprooted would be likely. Given the direct and indirect effects would be discountable, the cumulative effects of this action when added to past, present and future would also be discountable. Although impacts could occur, this project would not affect populations at the planning level scale and would not cause a trend towards listing.

Recommended Conservation Measures for Cleome multicalis and Rorippa calycina

The following recommendation is a best management practices to meet the intent of the stipulations provided in the RMP. Surveys should be done during this species' flowering period within all suitable habitat located within 200 meters of the proposed ground disturbance, to the best of the agency's ability. Surveys would be directed by the project LFO Biologist, following pre-approved protocols and locations. Positive detections would require Stipulation 4075, 4076, 4079, and 4082 by employing a 200 meter spatial buffer, unless otherwise recommended by project LFO Biologist based on field observations.

Flag and avoid plants with a 200 meter buffer wherever and whenever possible. Alternatively, the project LFO Biologist would work with the State Botanist to collect plants and/or seed for grow operations prior to ground disturbance.

Effects to greater sage-grouse, mountain plover, sage thrasher, loggerhead shrike, sage sparrow, and Brewer's sparrow

The proposed action would not affect any portion of designated core habitat for greater sage-grouse, including leks. Leks outside of core habitat and winter concentration habitat would not be affected. Minor effects to general habitat would be expected but those would be concentrated adjacent to existing disturbance and existing compacted routes. Vehicle collisions may occur given this proposed action due to the increased amount of traffic, heavy equipment, duration of implementation and the connected reclamation actions. Given the existing condition of the action area, the risk of vehicle collisions would be low. Installation of one wildlife passage in the proposed road alignment would greatly reduce the likelihood of such collisions since greater sage-grouse utilizes riparian corridors for hiding cover and forage.

The proposed action may cause a loss of a small quantity of breeding habitat for mountain plover, sage thrasher, loggerhead shrike, sage sparrow and Brewer's sparrow. If individual birds are breeding in close

proximity to the disturbance, then it is possible that vegetation removal, noise and soil disturbance could affect a few individual breeding pairs. These would be discountable effect on these species because these birds tend to utilize more interior patches of undisturbed vegetation, which is in deficit within the proposed action area. Cumulative effects of this action when combined with past, present and future actions would be relatively minor given the existing condition of the proposed action area and the discountable effects. This project would not affect mountain plover, sage thrasher, loggerhead shrike, sage sparrow and Brewer's sparrow populations at the planning level scale and would not cause a trend towards listing for those migratory birds.

Recommended Conservation Measures for Mountain plover and Other BLM Sensitive Migratory Birds

These recommendations are best management practices to meet the intent of the stipulations provided in the RMP. Surveys should be done during the breeding season to detect signs of breeding at known and suspected sites within the action area, to the best of the agency's ability. Surveys would be directed by the project LFO Biologist, following pre-approved protocols and locations. Positive detections would require Stipulation 4077, 4094, and 4079, unless otherwise recommended by project LFO Biologist based on field observations.

Avoid vegetation removal, soil work and construction between April 10 to August 20 to maintain compliance with the Migratory Bird Treaty Act and RMP stipulations if positive detections are made. See the project wildlife clearance form for details regarding the habitats present in the action area for these species.

MIGRATORY BIRDS

Affected Environment

In addition to burrowing owl, ferruginous hawk, Brewer's sparrow, sage sparrow, sage thrasher, loggerhead shrike, and mountain plover, golden eagle has suitable habitat within ½ mile of the proposed action area. These eight migratory birds are listed as priority BLM species, bird species of conservation concern by Wyoming Partners in Flight or are on the US Fish and Wildlife Service Birds of Conservation Concern (BCC) – 2008 List for BCR 10-Northern Rockies. These species are believed to breed within the ½ mile action area, have declining populations and should be protected from habitat alterations. The 2010 Memorandum of Understanding between the BLM and US Fish and Wildlife Service on migratory birds (BLM MOU WO-230–2010–04 and BLM Instruction Memorandum No. 2011-007) provides guidance towards meeting the BLM's responsibilities under the Migratory Bird Treaty Act (MBTA) and Executive Order (EO) 13186. The guidance emphasizes management of habitat for migratory bird and raptor species of conservation concern by avoiding or minimizing negative impacts and restoring and enhancing habitat quality.

Breeding Bird Survey (BBS) data showed 33 breeding migratory bird species were detected in the Gas Hills BBS route include. Of these, the most notable are the following raptors and birds of conservation concern: red-tailed hawk, golden eagle (Level III Bird of Conservation Concern), vesper sparrow (Level II Bird of Conservation Concern), lark sparrow (Level II Bird of Conservation Concern), and lark bunting (Level II Bird of Conservation Concern). Golden eagle was detected and additional protections are afforded to that species by the Bald and Golden Eagle Protection Act.

Effects from the No Action Alternative

The No Action Alternative would have no effects on migratory bird species. Suitable breeding habitat would not be affected. Prey and forage would remain available. There would be no disruptions to reproductive behaviors. Since there would be no direct or indirect effects, there would be no cumulative effects to migratory birds.

Effects from the Proposed Action Alternative

The proposed action may cause a loss of a small quantity of breeding habitat for red-tailed hawk, golden eagle, vesper sparrow, lark sparrow, and lark bunting, and golden eagle. If individual birds are breeding in close

proximity to the disturbance, then it is possible that vegetation removal, noise and soil disturbance could affect a few individual breeding pairs. With the exception of red-tailed hawk, these would be discountable effect on these species because these birds tend to utilize more interior patches of undisturbed vegetation, which is in deficit within the proposed action area. Red-tailed hawk appears to be more tolerant of disturbed landscapes, noise, etc. than these other species, and may be able to acclimate to implementation. Stipulations and recommended conservation measures that avoid the breeding bird season would afford protections to red-tailed hawk, golden eagle, vesper sparrow, lark sparrow, and lark bunting, and golden eagle during breeding season if implemented. Cumulative effects of this action when combined with past, present and future actions would be relatively minor given the existing condition of the proposed action area and the discountable effects.

Conservation Measures for Migratory Birds

Avoid vegetation removal, soil work and construction between April 10 to August 20 to maintain compliance with the Migratory Bird Treaty Act and Stipulation 4077 for red-tailed hawk, vesper sparrow, lark sparrow, and lark bunting, and golden eagle.

WILDLIFE AND HABITATS OF CONCERN

Effects to pronghorn antelope and their crucial winter range

With the stipulations and recommendations, there would be no direct or indirect effects on, antelope while on crucial winter range. Pronghorn antelope would be on crucial winter range only during severe winters and implementation of this project would not be possible under such conditions. There would be no direct, indirect or cumulative effects to pronghorn and their crucial winter range.

Effects to Riparian-Wetlands

With these stipulations and design features, there would be minor effects on riparian-wetlands from deposition and soil erosion from truck traffic, maintenance and grading, etc. Wildlife species that depend on those areas could see a minor decreased quality of habitat as a result. The wildlife/aquatic passage would allow water, riparian-wetland vegetation and wildlife to use the riparian corridor for movement with limited collision potential. This would facilitate dispersal across the DDA to areas that provide more suitable habitat north and south, and increase connectivity for special status species, and movement towards historic natural variability.

Conservation Measures for Riparian-Wetlands

Ensure equipment, supplies, materials and other infrastructure are located/staged 500 feet from mapped and field identified riparian-wetlands and associated corridors.

Literature Cited

Nicholoff, Sharon. H. 2003. Wyoming Bird Conservation Plan, Version 2.0. Wyoming Partners In Flight. Wyoming Game and Fish Department, Lander, WY.

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